



CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

Criminal Justice Committee

July 16, 2015

Meeting Notes

Attending:	Judge Spanagel	Gary Mohr
	Lara Baker-Morrish	Paul Dobson
	Tim Young	Paula Brown
	Kari Underwood	Josh Williams
	Gregory Trout	Judge Marcelain
	Michael Randle	Cynthia Mausser
	Michele Miller	Steve Gray
	Steve Van Dine	Jo Ellen Cline
	Chrystal Alexander	

Staff Liaison: Sara Andrews

The meeting was called to order by Vice Chair Gray. The notes from the last meeting were approved and introductions were made.

The committee began by reviewing the active assignments on its work chart.

1. Clarify role & function of OCSC – Sara advised the group a couple of drafts have been circulated among the smaller group and a final draft will be forthcoming to the larger Committee. Tim Young and Director Mohr strongly encouraged the brevity of the statement, it must be one people can remember, understand and relay to others.
2. Expungement/Sealing of Records – The subcommittee has communicated by email and is in process of arranging a meeting. Lara indicated she has information available from her office for that meeting and Greg shared the number of records that BCI reported as 38,530 in 2013 and 36,083 in 2014. Members discussed the goal for our review and Director Mohr expressed concern about the capacity to process requests and said there must be clarity for those who deserve a second chance while allowing for the discretion

of the decision maker. The group also noted the lack of available data on the issue indicating that part two of the topic will be examining options for data management.

3. Probation violations for fines & restitution (decriminalizing non-payment of fines and costs). Kari reported the subcommittee met by phone several weeks ago and agreed to review the topics of financial sanctions, restitution, fines and costs and that the subcommittee will consider those topics individually. She stated the group will be trying to obtain information on fines and costs – specifically, how much is ordered, how much is paid and the proportion to the court budget. The subcommittee is also reviewing the duties and process of the Attorney General’s revenue collection section.

Kari also noted the group is interested in achieving the maximum benefit of financial sanctions and examining the processes of ability to pay hearings. Members are seeking input from probation staff on appropriate, meaningful alternatives, such as community service. Michele noted that DRC tracks the dollar amount they collect and return to the counties for costs. For instance, at any given time there are between 900-100 inmates from Cuyahoga county at Belmont Correctional Institution and on an annual basis about a quarter of a million dollars is collected and sent back to Cuyahoga county {please note Warden Miller has since advised that number is not correct}.

4. Transitional Control – Cyndi Mausser reminded members the Department has several internal projects underway and that the group will have an actionable item for the full commission at the November meeting.
5. Commitments to DRC and allow DRC to “sort them out” – Members discussed the research results found by the Supreme Court Law Library – Section 18 U.S.C. § 3621(b), provides the Bureau of Prisons authority to choose the place of imprisonment for federal inmates. According to this source <http://famm.org/wp-content/uploads/2013/08/FAQ-Halfway-House-4.24.pdf>, the entire sentence can be served in an alternative setting such as a halfway house. Additionally, at the state level there is a very specific program in California, providing the department of rehabilitation and correction the authority to run alternative custody programs for certain female inmates who have less than 24 months to serve and who meet eligibility criteria.

There was discussion on whether or not to proceed with this priority recommendation given the recent passage of subHB64 that included language for another DRC early release option, community substance use disorder treatment center. It was also noted DRC at some level already possesses the ability to ‘sort’ offenders based upon their assessment and recommendation for placement in the various early release options.

Director Mohr indicated he is not interested in broadening DRC options at this time as they are cautiously implementing the most recent program with the help of the Judicial Think Tank he empaneled. Steve Van Dine noted the value of a flow chart of sorts for inmate movement through the system, including those who exit prison by completing their sentence. The information can prove valuable to resource allocation, policy definition and improving outcomes, sentencing alternatives. DRC agreed to reevaluate this priority and consider analyzing the existing release and transfer options. They will report back to the committee at the September 17, 2015 meeting.

The meeting adjourned noting the next meeting of the committee will be in person September 17, 2015 at 12:30p, room 281.